

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

DOCKET NO. 3:16cr326-RJC

UNITED STATES OF AMERICA	)	
	)	
v.	)	FINAL ORDER AND
	)	JUDGMENT CONFIRMING
(1) CASSELL ANTHONY KUOH	)	FORFEITURE

THIS MATTER is before the Court on the United States of America’s Motion, pursuant to Fed. R. Crim. P. 32.2(c)(2), (Doc. No. 84), requesting that the Court enter a Final Order and Judgment confirming forfeiture of the preliminarily forfeited Harrisburg residence and funds seized from two domestic bank accounts in this case, all such assets identified in the Consent Order and Judgment of Forfeiture, (Doc. No. 63). For good cause shown and based on the preponderance of the evidence and law identified herein, this Court hereby GRANTS the Motion. In support of granting the Motion, this Court FINDS AS FOLLOWS:

**I. Background**

On December 15, 2016, a Grand Jury returned an Indictment, (Doc. No. 11), against Defendant and others, charging them with Attempt and Conspiracy to Commit Mail Fraud. The charges were based on Defendant’s role in a fraud scheme whereby Defendant obtained money from victims in exchange for gold and diamond shipments from Liberia that never materialized. The Indictment contained a “Notice of Forfeiture and Finding of Probable Cause” whereby the Grand Jury found probable cause that Defendant’s Harrisburg residence at 8942 Happiness Rd, Harrisburg, North Carolina (hereafter, “the Harrisburg Property”) was subject to forfeiture.

On March 6, 2017, Defendant pled guilty via Plea Agreement, (Doc. No. 32), to Count One

in the Indictment against him. In this Plea Agreement, Defendant agreed to the forfeiture of all items in the case, including the Harrisburg Property.

On August 4, 2017, this Court issued a sealed Consent Order and Judgment of Forfeiture, (Doc. No. 63), for, among other items, the Harrisburg Property; approximately \$50,775 in funds seized from Bank of America Account XXXXXXXXX5065, such account held in the name of Charslyn Kuoh and used by Defendant to receive fraud proceeds; approximately \$13,423 in funds seized from Bank of America Account XXXXXXXXX5777, such account held in the name of Charslyn Kuoh and used by Defendant to receive fraud proceeds; and funds in a variety of accounts in Africa identified by full account numbers, thus necessitating sealing. The Court later issued an unsealed and redacted Consent Order, (Doc. No. 81), so that the United States could appropriately provide notice of forfeiture in accordance with law.

From July 14, 2018 through August 12, 2018, the United States published via [www.forfeiture.gov](http://www.forfeiture.gov), notice of this forfeiture and of the intent of the Government to dispose of the forfeited property, including the Harrisburg Property and domestic funds, according to law, and further notice to all third parties of their rights to petition the Court within sixty days from July 14, 2018, for a hearing to adjudicate the validity of any alleged legal interest in the property. (Doc. No. 83). In addition, on December 13, 2017 the United States also sent direct notice via Federal Express to Charslyn Kuoh—wife of the defendant. The notice advised Mrs. Kuoh of the Government’s intent to dispose of the forfeited property in accordance with the law and the right to submit a verified claim to this Court within thirty days of the receipt of the notice. The Government received confirmation that the Notice of Forfeiture and a copy of the Consent Order and Judgment of Forfeiture as to Cassell Anthony Kuoh was successfully served on December 18, 2017.

On January 16, 2018, Mrs. Kuoh filed a Claim, (Doc. No. 74), for certain African real property identified in the Consent Order, but not for other property in the case. Ultimately, this Court granted the Government's Motion for Dismissal of Real Property from Consent Order of Forfeiture, (Doc. No. 80), thereby dismissing said African real property from forfeiture. Other than the Petition by Mrs. Kuoh, no other petitions have been filed. Specifically, as pertinent herein, no one has asserted an interest in the Harrisburg Property or the domestic funds.

## **II. Legal Conclusions**

Pursuant to Rule 32.2(c)(2), if no third party files a timely petition, the preliminary order becomes the final order of forfeiture if the Court finds that the defendant (or any combination of defendants convicted in the case) had an interest in the property that is forfeitable under the applicable statute. The Harrisburg Property was Defendant's residence, he used fraud proceeds to fund it, and he and his wife—who claimed the African real property noted above but not the Harrisburg Property or funds identified for final forfeiture herein—were identified as grantees on the title. Further, as identified in the Affidavit, (Case 3:17-mj-53, Doc. Nos. 1-2, 2-2), that led this Court to issue Seizure Warrants for the domestic funds, the domestic funds constitute fraud proceeds obtained by Defendant as a result of his criminal conduct. Thus, in accordance with Rule 32.2(c)(2) and based on a preponderance of the evidence, the Court now confirms the Consent Order and Judgment of Forfeiture as the Final Order and Judgment of Forfeiture and grants the Government clear title to the forfeited assets.

## **IT IS, THEREFORE, ORDERED:**

In accordance with Rule 32.2(c)(2), the Consent Order and Judgment of Forfeiture is confirmed as final as to the following property. All right, title, and interest in the following property, whether real, personal, or mixed, has therefore been forfeited to the United States for

disposition according to law pursuant to Fed. R. Crim. P. 32.2, 18 U.S.C. § 2253, and/or 28 U.S.C. § 2461(c), and the United States shall have clear title to the property and may warrant good title as set forth in 21 U.S.C. § 853(n)(7):

- **The real property at 8942 Happiness Road, Harrisburg, North Carolina, more particularly described in a deed recorded at Deed Book 11156, Pages 165-170, and further identified as Parcel 55065429580000 in the Cabarrus County Register of Deeds;**
- **Approximately \$50,775 in funds seized from and previously held by Bank of America as the result of a voided check drawn on Bank of America Account XXXXXXXXX5065, such account held in the name of Charslyn Kuoh; and**
- **Approximately \$13,423 in funds seized from and previously held by Bank of America as the result of a voided check drawn on Bank of America Account XXXXXXXXX5777, such account held in the name of Charslyn Kuoh.<sup>1</sup>**

SO ORDERED.

Signed: January 16, 2019



Robert J. Conrad, Jr.  
United States District Judge



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<sup>1</sup> The Government was not able to take possession of the remaining overseas funds identified in the Consent Order in this case so those funds are not identified for final forfeiture herein.